

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LLOYD R. TRACKWELL,)
Plaintiff,) 4:04CV3397
v.)
LANCASTER, COUNTY OF, and) MEMORANDUM AND ORDER
ANDREW JACOBSEN,)
Defendants.)

The plaintiff initiated this lawsuit by filing his complaint on December 20, 2004. The plaintiff filed an amended complaint on May 2, 2005, and by order of this court, was given sixty days to serve the amended complaint. Filing 8. The plaintiff filed a second amended complaint on August 11, 2005.

More than nine months have passed since the plaintiff's initial complaint was filed. The plaintiff has filed no proof of service as required under Federal Rule of Civil Procedure 4(1) stating that the initial complaint or either amended complaint was served on the defendants, and neither defendant has entered a voluntary appearance. The court therefore finds that the initial complaint was not served within 120 days of its filing; the plaintiff's first amended complaint was not served within the sixty-day deadline set by the court; and the plaintiff's second amended complaint was also not served within sixty days of filing.

IT THEREFORE HEREBY IS ORDERED: The plaintiff is given until October 21, 2005 to show cause why this case should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m) or for want of prosecution.

DATED this 13th day of October, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge